
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

CHARLES K. DILLS, §
§
Plaintiff, §
§
versus § CIVIL ACTION NO. 1:13-CV-120
§
DR. BERHNS, *et al.*, §
§
Defendants. §

**MEMORANDUM ORDER ADOPTING THE
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff, Charles K. Dills, an inmate formerly confined at the Larry Gist State Jail, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against the defendants The University of Texas Medical Branch (“UTMB”) and Dr. Berhns, Medical Director of UTMB.

The court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends plaintiff's claims against UTMB and Dr. Berhns in his official capacity be dismissed for failure to state a claim and as frivolous pursuant to 28 U.S.C. § 1915(e)(2).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. No objections to the Report and Recommendation have been filed to date.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A partial judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE

Oct 29, 2013